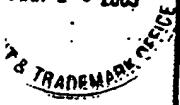


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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION
USING AN APPLICATION DATA SHEET (37 CFR 1.76)

MAR 28 2005



As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or
 Application No. 09/690,646, filed on May 18, 2001,
 as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

THIS COPY OF THIS
DECLARATION IS
INTENDED FOR
SUBMISSION WITH THE
APPLICATION ATTACHED
HEREWITH.

(ATT REF NO. 059US2)

FULL NAME OF INVENTOR(S)

Inventor one MICHAEL HOEY Date: 6/25/01

Signature:

Citizen of: US

Inventor two CORBETT W. STONE Date: 18 July 2001

Signature:

Citizen of: US

Inventor three KEVIN FOLEY Date: 7/1/01

Signature:

Citizen of: US

Inventor four _____ Date: _____

Signature:

Citizen of: _____

 Additional inventors are being named on _____ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 116 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is guaranteed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time is very depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. PA 8120246 v1

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Correspondence Information

Correspondence Customer Number:: 20350

Application Information

Title Line One:: TISSUE DISCRIMINATION AND
Title Line Two:: APPLICATIONS IN MEDICAL PROCEDURES
Total Drawing Sheets:: 3
Formal Drawings?:: Yes
Application Type:: Utility
Docket Number:: 18608004910
Secrecy Order in Patent Appl.?:: No

Continuity Information

This application is a:: NonProvisional
> Application One:: 60/205,634
Filing Date:: May 18, 2000
Patent Number::

which is a:: 60/243,465
>>Application Two:: October 25, 2000
Filing Date::
Patent Number::